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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,750	03/23/2004	Charles M. Helms	SPE24	2749
23508	7590	01/18/2006	EXAMINER	
LUNDEEN & DICKINSON, LLP			BOMAR, THOMAS S	
PO BOX 131144			ART UNIT	
HOUSTON, TX 77219-1144			PAPER NUMBER	
			3672	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/708,750

Applicant(s)

HELMS ET AL.

Examiner

Shane Bomar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 and 54-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15, 24-52 and 54-59 is/are allowed.
- 6) ☒ Claim(s) 16, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 17-19, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The substitute specification filed November 8, 2005 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: the statement as to a lack of new matter under 37 CFR 1.125(b) is missing, and a clean copy of the substitute specification has not been supplied (in addition to the marked-up copy).

### ***Claim Objections***

2. Claim 16 is objected to because of the following informalities: the recitation of “the drillstring” lacks proper antecedent basis because a drillstring was never before mentioned in the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 16, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5,795,169 to Reed.

Regarding claim 16, Reed discloses an improved entry sub 24B located above a wellhead 21 to allow the insertion and removal of tools such as cable 48, the improved sub comprising a ball and socket joint 24C configured to allow relative deflection between the entry sub and a tubing string 32a, wherein the joint 24C prevents bending moment loads from acting across the sub due to its flexible nature (see Fig. 1B and col. 7, line 60 through col. 8, line 11). It is noted

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that the applicant has not positively recited the drillstring as a part of the claimed invention; the drillstring is only shown as something that the entry sub deflects relative to. Since the Reed entry sub contains each of the limitations of the entry sub itself, and it deflects relative to another tubular string, the entry sub must anticipate the currently claimed invention. An example of positively reciting the drillstring as a part of the invention would be to incorporate the limitations of claims 17 and 18 into claim 16 so that the Reed reference no longer anticipates this claim. For example, after the last recitation of "entry sub", the following could be added: --wherein the articulated knuckle joint is located between the entry sub and at least one of an upper or lower connection to the drillstring.--

Regarding claims 20 and 21, the entry sub is a top entry sub, but since side entry subs and top entry subs are known art equivalents, the sub could inherently be of the side-entry type and not destroy the functionality of the patented invention.

***Allowable Subject Matter***

5. Claims 1-15, 24-52, and 54-59 are allowed.
6. Claims 17-19, 22, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments, see pages 27-34, filed November 8, 2005, with respect to the rejection(s) of claim(s) 1, 15, and 16 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection against claim 16 is made in view of Reed.

***Conclusion***


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilde teaches an entry sub 50 with a flexible ball and socket joint 60/62 to connect to a sphere 10 that is used to sealingly contain equipment and personnel at the sub-sea drilling site (see Figs. 4-5). Slack et al teach another flexible joint of interest (see Figs. 19-21).


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane Bomar whose telephone number is 571-272-7026. The examiner can normally be reached on Monday - Thursday from 6:30am to 4:00pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David J. Bagnell  
Supervisory Patent Examiner  
Art Unit 3672

tsb   
January 11, 2006